

subcombination as claimed because a wide angle lens does not require an aperture that does not cause the lenses to reconfigure (as in combination I) nor does the aberration lens compensation system require an aperture where the lenses do not reconfigure (as in combination II) for a changing aperture. In addition, the six-component lens system (combination III) does not require an aperture where the lenses are not reconfigured for a changing aperture. The subcombination has separate utility such as exchangeable aperture stop in variety imaging/optical configurations with a variable number of lens element designs.

A. Examination of Groups I, II, III and IV

Without acceding to the propriety of the Examiner's characterization of the interrelationship of the independent claims and the satisfaction of the 'distinctness test' as defined by M.P.E.P § 806.05(c), Applicants submit that it would not place a serious burden on the Examiner to search and examine all groups (claims 1-61) since all of the claims relate to lens systems.

The Examiner has classified Group I in class 359, subclass 771, Group II in class 359, subclass 656, Group III in class 359, subclass 756 and Group IV in class 359, subclass 738. Without acceding to the propriety of the Examiner's classification of Groups I-IV, not only has the Examiner grouped the inventions within the same class (e.g. 359), *all* of the subclasses (e.g., 771, 656, 756 and 738) are subsets of the *same* subclass (e.g., subclass 642 directed to lens).

In addition, for each subclass, the Class Schedule and Definition section on the USPTO website recommends a list of 'related' classes and subclasses that should be searched for similar subject matter. Many of the 'related' classes and subclasses for the subclasses of Groups I-IV are the same. For example, subclasses 682 and 754 are listed as 'related' subclasses to both subclasses 756 and 771. Therefore, subclasses 682 and 754 should be searched for both Groups I and III. Since many of the related classes and subclasses are the same for Groups I-IV, searching Groups I-IV would not place a serious burden on the Examiner.

B. Alternatively, Examination of Groups I and IV

If the Examiner finds that examination of all groups is not appropriate despite Applicants' request to the contrary, at least search and examination of Groups I & IV (e.g., claims 1-43 and claim 61) would not place an undue burden on the Examiner, considering that

some of the claims of Groups I and IV are directed to related subject matter. In particular, independent claim 28 is directed to a lens assembly comprising, *inter alia*, a first lens group having at least one first lens element, a second lens group having at least one second lens element, and an aperture stop. Independent claim 61 is directed to a lens assembly comprising, *inter alia*, a plurality of lens elements and an aperture stop. Since both claims 28 and 61 are directed to lens assemblies having lens elements and an aperture stop, searching and examining Groups I and IV would not place a serious burden on the Examiner.

CONCLUSION

In view of the foregoing, Applicants request that the restriction requirement be withdrawn and that claims 44-61 also be examined in this application, or that at least claim 61 also be examined in this application.

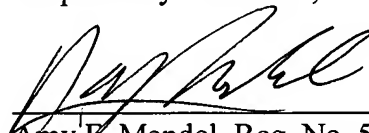
Having made the election, Applicants expressly reserve the right to file one or more divisional applications on the subject matter of the non-elected claims.

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this response, that the application is not in condition for allowance, the Examiner is requested to call the below Attorney or Agent at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

By:



Amy F. Mendel, Reg. No. 55,452
Neil P. Ferraro, Reg. No. 39,188
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Date: January 7, 2004
x01/07/05